

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

LEGGETT & PLATT, INC.

and

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS (IAM), AFL-CIO

Cases 09-CA-194057  
09-CA-196426  
09-CA-196608

MOTION TO STRIKE PROPOSED-INTERVENOR'S EXCEPTIONS  
TO THE ADMINISTRATIVE LAW JUDGE'S DECISION  
AND  
BRIEF IN SUPPORT THEREOF

Now comes Counsel for the General Counsel and moves, pursuant to Section 102.24(a) of the Board's Rules and Regulations, to strike the Proposed-Intervenor's Exceptions to the Administrative Law Judge's Decision and its brief filed in support thereof.

A hearing was held in this matter on July 24-26, 2017. At the commencement of the hearing, Attorney Aaron B. Solem, from the National Right to Work Legal Defense Foundation, Inc., on behalf of Keith Purvis and other employees, orally moved to intervene. All parties argued their positions, and Judge Gollin orally denied the motion to intervene, including denying the Proposed-Intervenor's request to submit a post-hearing brief. Section 102.26 of the Board's Rules and Regulations provides that rulings by the Administrative Law Judge on motions may not be appealed directly to the Board except by special permission of the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to §102.46. The Proposed-Intervenor made no request for special permission to appeal Judge Gollin's ruling. No party argued in their post-hearing brief that the Judge should reconsider his ruling on the motion to intervene. At no time since Judge Gollin denied the motion to intervene, has the Proposed-Intervenor renewed its

motion to intervene. Section 102.46(a) of the Board's Rules and regulations provide that exceptions must be filed by a "party" to the case. Proposed-Intervenors are not parties to the instant case.

On October 30, 2017, the Proposed-Intervenor, without permission, filed exceptions and a brief in support thereof with the Board. Having failed to appeal the Judge's denial of its motion to intervene or otherwise gain status as a party in this case, it has now, without permission, filed exceptions to the Administrative Law Judge's decision and a brief in support thereof. For the foregoing reasons, because the filing is contrary to Sections 102.26 and 102.46(a) of the Act, the Proposed-Intervenor's exceptions and brief in support thereof should be stricken. Should the Board deny the General Counsel's motion to strike, Counsel for the General Counsel requests leave to fully respond to the Proposed-Intervenor's exceptions and brief in support.

Dated: November 20, 2017

Respectfully submitted,

*/s/ Zuzana Murarova*

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CERTIFICATE OF SERVICE

November 20, 2017

I hereby certify that I served the attached Motion to Strike Proposed-Intervenor's Exceptions to the Administrative Law Judge's Decision and Brief in Support Thereof on all parties and on the Proposed-Intervenor by mailing true copies thereof by electronic mail today to the following at the addresses listed below:

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